

D. REMARKS

In response to the non-final Office Action dated June 7, 2004, Applicant respectfully requests reconsideration based on the above claim amendments and the following remarks. Upon entry of the Amendment, claims 1-29 will be pending in this application with claims 1, 8, 15, 16, and 23 being independent. Applicant respectfully submits that the claims as presented are in condition for allowance.

Drawing Amendments

Applicant is providing corrected FIGS. 6, 7B, and 8, attached hereto.

Amendments to the Specification

Applicant is amending the specification in order to correct the informalities noted by the Examiner.

35 U.S.C. §112 Rejections

Applicant is amending independent claim 15 to recite a "providing communication with a server." Applicant submits that claim 15, as amended, complies with the written description requirement, complies with the enablement requirement, and particularly points out and distinctly claims its subject matter.

Accordingly, withdrawal of the rejections of claims 15 is requested.

35 U.S.C. §102(b) Sprecher Rejection

Claims 1-5, 7-12, 14-21, 23-27, and 29 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,285, 494 to Sprecher et al. (“Sprecher”). Applicant traverses this rejection.

Applicant has amended the claims in order to expedite prosecution. In particular, Applicant has amended independent claims 1, 8, 15, 16, and 23 to recite automatically establishing a wireless connection from the server to the user upon an occurrence of a predetermined network condition.

Sprecher teaches the following:

Real-time information flows into the master server 100 through a switch interface 118 from a digital access cross-connect system 110, a mobile telephone switch (MTS) 112, external alarms 116 and other network elements 114. The elements provide, inter alia, billing, traffic alarm, administration, and maintenance information. The master server 100 collects and filters the incoming real-time data, prepares updates for the relational database 108, and provides dial-up access for remote access to the network 106 via a modem 120.

The slave server 102 supplies the relational database 108 with data received from the master server 100, it processes database access requests from any of the plurality of user workstations 104, it stores historical files and it provides work-space for recovery and analysis of such files, and it may serve as a user workstation during non-peak usage periods.

See col. 3, lines 11-27.

As described above, Sprecher describes a network management system implemented by a plurality of workstations having remote dial-up access to a local area network. Sprecher is devoid of any teaching or suggestion of "automatically establishing a wireless connection from the server to the user upon an occurrence of a predetermined network condition" as recited by the amended independent claims.

Applicant submits, therefore, that Sprecher does not teach or suggest all the elements of amended independent claims 1, 8, 15, 16, and 23, and that such claims are allowable for at least this reason.

Accordingly, withdrawal of the rejection of claims 1-5, 7-12, 14-21, 23-27, and 29 is respectfully requested.¹

35 U.S.C. §103(a) Sprecher/Sakar Rejection

Claims 6, 13, 21, and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sprecher in view of U.S. Patent No. 6,012,067 to Sakar ("Sakar"). Applicant traverses this rejection.

Applicant submits that Sakar is devoid of any teaching or suggestion related to "automatically establishing a wireless connection from the server to the user upon an occurrence of a predetermined network condition." Consequently,

¹ See MPEP 2131 citing Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)(“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”) and Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)(“The identical invention must be shown in as complete detail as is contained in the ... claim.”).

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the teachings of Sakar cannot remedy the deficiencies of Sprecher discussed above with respect to amended independent claims 1, 8, 26, and 23.

Applicant submits that even if Sprecher could be combined with Sakar, which Applicant does not admit, such combination fails to disclose all the elements of amended independent claims 1, 8, 26, and 23. In addition, the prior art of record fails to provide any suggestion or motivation to modify or combine reference teachings or of a reasonable expectation of success.

Applicant submits, therefore, that claims 6, 13, 21, and 28 are allowable for at least the reasons set forth by virtue of their dependency, as well as on their own merits.

Accordingly, withdrawal of the rejection of claims 6, 13, 21, and 28 is respectfully requested.

E. CONCLUSION

Applicant submits this application is in condition for allowance and request favorable action in the form of a Notice of Allowance.

Respectfully submitted,

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